

1
2
3
4
5
6
7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 LARRY BESS, JR.,

11 Plaintiff,

No. CIV S-03-2498 GEB DAD P

12 vs.

13 EDWARD S. ALAMEIDA, JR., et al.,

14 Defendants.

ORDER

15 _____/
16 Before the court are several motions and requests related to defendants' motion
17 for summary judgment filed on January 25, 2007.

18 First, plaintiff has filed a motion for leave to act beyond time to file his opposition
19 to defendants' motion for summary judgment. Plaintiff has also filed his opposition. Good
20 cause appearing, the court will grant plaintiff's motion.

21 Second, defendants have requested an extension of time to and including July 19,
22 2007 to file a reply to plaintiff's opposition. Good cause appearing, the court will grant
23 defendants' request.

24 Finally, the Pacific Justice Institute (PJI), a non-profit legal organization, has
25 requested leave to file an amicus curiae brief in support of plaintiff. Defendants have filed an
26 opposition to that request. PJI has filed a reply. Federal district courts have broad discretion to

1 allow amici curiae to participate in cases if the amicus is not attempting to control the litigation
2 or use prisoner-plaintiffs as strawmen to confer standing so that the amicus can litigate its own
3 views. Hoptowitt v. Ray, 682 F.2d 1237, 1260 (9th Cir. 1982). There is no indication that PJI is
4 acting with improper motive, and the court is satisfied that an amicus curiae brief from PJI may
5 be of some assistance to the court in this case. Accordingly, the court will grant PJI's motion for
6 leave to file an amicus curiae brief. Defendants will be directed to include a response, if any, to
7 PJI's amicus curiae brief in their reply.

8 In accordance with the above, IT IS HEREBY ORDERED that:

9 1. Plaintiff's June 26, 2007 motion for leave to act beyond time to file an
10 opposition to defendants' motion for summary judgment is granted;

11 2. Defendants' June 28, 2007 request for an extension of time to file a reply on or
12 before July 19, 2007 is granted. Defendants shall include a response, if any, to Pacific Justice
13 Institute's amicus curiae brief in their reply.

14 3. Pacific Justice Institute's May 23, 2007 motion for leave to file an amicus
15 curiae brief in support of plaintiff is granted.

16 DATED: June 29, 2007.

17
18 
19 _____
DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

20 DAD:9
21 bess2498.36misc
22
23
24
25
26